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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VIVIANA CERVANTES,

Defendants.

CASE NO. 1:22-CR-00030-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: September 14, 2022
TIME: 1:00 p.m.
COURT: Barbara A. McAuliffe

STIPULATION

The United States of America, by and through its counsel of record, and VIVIANA CERVANTES, by and through her counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 14, 2022.
2. By this stipulation, defendant now moves to vacate the status hearing and set the matter for change of plea before the Court as to this defendant on October 11, 2022, and to exclude time between September 14, 2022, and October 11, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) As the defendant does not intend on going to trial, the parties request that the status hearing date be vacated. Vacating the status hearing date will conserve judicial resources for a case that has been resolved.
 - b) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,

et seq., within which trial must commence, the time period of September 14, 2022 to October 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 7, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ALEXANDRE DEMPSEY
ALEXANDRE DEMPSEY
Assistant United States Attorney

Dated: September 7, 2022

/s/ KOJO MOORE
KOJO MOORE
Counsel for VIVIANA
CERVANTES

ORDER

IT IS SO FOUND AND ORDERED. At the request of the parties, the September 14, 2022 status hearing in the above case is **VACATED** and parties shall appear on October 11, 2022 at 8:30 am before District Judge Ana de Alba for a change of plea hearing.

IT IS SO ORDERED.

Dated: September 7, 2022


UNITED STATES DISTRICT JUDGE

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